

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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MICHAEL BENSON,

Civil No. 23-2377 (JRT/DLM)

Plaintiff,

v.

**ORDER ON REPORT AND  
RECOMMENDATION**

JODI HARPSTEAD, *Comm. of the Dept.  
of Human Services, sued in official  
capacity,*

Defendant.

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Michael Benson, 1111 Highway 73, Moose Lake, MN 55767, *pro se* plaintiff.

Aaron Winter, **MINNESOTA ATTORNEY GENERAL'S OFFICE**, 445 Minnesota St Ste 1100, St Paul, MN 55101-2128, for defendant.

United States Magistrate Judge Douglas L. Micko filed a Report and Recommendation on July 3, 2024 (ECF No. 25.) No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation (ECF No. 25) is **ADOPTED**;
2. Defendant Jodi Harpstead's Motion to Dismiss Plaintiff Michael Benson's Complaint against her (ECF No. 8) is **GRANTED**;
3. Mr. Benson's Complaint (ECF No. 1) is **DISMISSED** without prejudice; and

4. Mr. Benson's Motion for Summary Judgment (ECF No. 17) is **DENIED** as moot.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Date: July 30, 2024  
at Minneapolis, Minnesota

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge